

REMARKS

In the Office Action¹, the Examiner took the following actions:

objected to the specification;

provisionally rejected claims 1-3 and 12-14 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of co-pending Application No. 10/676,825 (the '825 application);

provisionally rejected claims 4-6, 10, 11, 15-17, 20, and 21 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of the '825 application in view of "Java and XML Data Binding" to (McLaughlin, 2002) ("*McLaughlin*");

provisionally rejected claims 7, 8, 18, and 19 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of the '825 application in view of U.S. Patent No. 6,754,884 B1 to Lucas et al. ("*Lucas*");

rejected claims 2-5 and 13-16 under 35 U.S.C. § 112, second paragraph; and

rejected claims 1-8 and 10-21 under 35 U.S.C. § 103(a) as being unpatentable over *McLaughlin* in view of *Lucas*.

By the present Amendment, Applicant amends claims 1, 2, 12, and 13. Claims 1-8 and 10-21 remain pending.

I. Objection to the Specification

Applicant amends the specification to state that "interfaces are equivalent to implementation modules and classes are equivalent to definition modules." Accordingly, Applicant respectfully requests that the Examiner's objection to the specification be withdrawn.

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

II. Double Patenting Rejections

In the Office Action, the Examiner provisionally rejected: claims 1-3 and 12-14 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of the '825 application; claims 4-6, 10, 11, 15-17, 20, and 21 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of the '825 application in view of *McLaughlin*; and claims 7, 8, 18, and 19 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of the '825 application in view of *Lucas*.

Applicant respectfully traverses each of the non-statutory double patenting rejections and requests that the Examiner hold the rejections in abeyance for at least the reason that no actual double-patenting circumstance can arise until a patent issues from the present application or the '825 application.

III. Rejection of Claims 2-5 and 13-16 under 35 U.S.C. § 112, second paragraph

Applicant respectfully traverses the rejection of claims 2-5 and 13-16 under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. To advance prosecution, however, Applicant has amended the specification to state that "interfaces are equivalent to implementation modules and classes are equivalent to definition modules."

For at least the foregoing reasons, Applicant asserts that claims 2-5 and 13-16 fully meet the requirements of 35 U.S.C. § 112, second paragraph, and request the Examiner to withdraw the 35 U.S.C. § 112 rejection of claims 2-5 and 13-16.

IV. Rejection of Claims 1-8 and 10-21 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 1-8 and 10-21 under 35

U.S.C. § 103(a) as being unpatentable over *McLaughlin* in view of *Lucas*. A *prima facie* case of obviousness has not been established with respect to these claims.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. M.P.E.P. § 2142, 8th Ed., Rev. 6 (September 2007). "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1 recites a computer-implemented method comprising, among other steps "validating the set of definition instructions and the set of implementation instructions using a validation tool, the validation tool determining whether the class is in compliance with the interface and whether the method of the interface can be used to execute the runtime function when the object is called during runtime execution of the computer program, wherein the determination is made before runtime execution of the computer program and during compilation of the computer program."

McLaughlin discloses:

Once you've developed your constraints, **you** need to **perform** some level of **testing before** you run your **class generation** tools on them. This is a crucial step, as it verifies that your data is going to match up with your constraints Testing many different documents is the best way to make sure you didn't misname or leave something out Once you've got the verified constraint model and are happy with it, you're ready to move on to a binding schema. (Emphasis added, Section 3.1.1, paragraph 3).

Lucas discloses:

a Javascript-aware parser (e.g. parser 105) is equipped to recognize XML data type declarations and associate them with the appropriate items in the corresponding symbol table (e.g., variables, function parameters, function return values, etc.). Interpreter 104 uses this type of information to determine the semantics of operations performed on values of type XML, and for example, to decide when to implicitly coerce values to or from-the XML type. (Col. 3, line 64 to col. 4, line 5).

Neither of these references, however, teach, suggest, or render obvious at least “validating . . . [by] determining whether the **class is in compliance with the interface** and **whether the method of the interface can be used to execute the runtime function** when the object is called during runtime execution of the computer program,” (emphasis added) as recited in claim 1. This is because *McLaughlin* merely discloses testing documents before generating classes, and *Lucas* merely discloses recognizing XML data type declarations and associating them with the appropriate items in the corresponding symbol table. The testing of *McLaughlin* that is performed on documents and before classes are generated or the associating XML data type declarations with appropriate items disclosed in *Lucas* do not constitute the claimed “validating” at least

because neither *McLaughlin* nor *Lucas* discloses or suggests determining “whether the class is in compliance with the interface and whether the method of the interface can be used to execute the runtime function,” as recited in claim 1.

Moreover, *McLaughlin* and *Lucas* do not teach, suggest, or render obvious “validating . . . [by] determining whether the class is in compliance with the interface and whether the method of the interface can be used to execute the runtime function . . . , wherein **the determination is made before runtime execution of the computer program and during compilation of the computer program,**” (emphasis added) as further recited in claim 1.

Accordingly, the Office Action has not clearly articulated a reason as to why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 1 and the Examiner should withdraw the rejection of the claim under 35 U.S.C. § 103(a).

Independent claim 12, while of different scope, recites features similar to those of claim 1 and is thus allowable over *McLaughlin* and *Lucas* for reasons similar to those discussed above in regard to claim 1. Dependent claims 2-8, 10, 11, and 13-21 are also allowable at least due to their dependence from one of the independent claims and further due to the features recited therein.

Accordingly, for at least the reasons noted above, the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

CONCLUSION

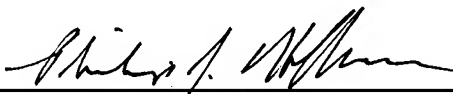
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 25, 2009

By: 
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